


Checklist: Child Custody and Maintenance


Tips for parents who are not married and/or are living apart

WHO AND WHEN?

Unmarried parents

 During pregnancy or after birth

Unmarried parents who agree about their joint custody

 During pregnancy or after birth

Parents living apart

 After birth

Single parents who do not get any or regular child maintenance, or when paternity is not clear

 After birth

Unmarried parents living apart

 After birth

WHAT?

Acknowledgement of paternity

NOTE In the event that parents are not married, the law says that the person who acknowledges paternity is the father, insofar as the mother agrees.

Declaration of agreed joint custody by making agreed custody statement

NOTE This statement can be made as part of the acknowledgement of paternity or at a later date.

Child maintenance

Cash maintenance for the child is payable by the parent who is not the primary caregiver (insofar as this parent is capable of paying).

Application for Advance Payment of Maintenance (Unterhaltsvorschuss)

Parental maintenance

Parental maintenance is payable by the parent who is not the child's primary caregiver (insofar as this parent is capable of paying).

Unmarried fathers and mothers who are looking after their child can claim parental maintenance from the other parent for at least three years after the child's birth.

WHERE? WHERE TO GO FOR HELP?

- Youth welfare office (*Jugendamt*) or registry office (*Standesamt*) (free)
- Notary (subject to charges)
- German Consulates

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NOTE The [Düsseldorfer Tabelle](#) forms the basis for determining the amount of child maintenance.

TIP The youth welfare office (*Jugendamt*) offers advice regarding child maintenance issues and helps find a mutually acceptable solution.

Youth welfare office (*Jugendamt*)

TIP A lawyer can give you advice about parental maintenance.

WHO AND WHEN?

A **parent with sole custody** or a parent with joint custody who has the child for the majority of the time, if there are open questions concerning paternity and/or maintenance

 After birth

Fathers who want joint custody in the event that the mother does not agree

WHAT?

Application for legal representation for the child

A legal representative (*Beistand*) here is a person who represents the child alongside the parent and who advises parents on determining paternity and sorting out maintenance questions.

Application for custody

NOTE The family court will give parents joint custody if this does not conflict with the wellbeing of the child. If the mother does not produce any reasons against joint custody and if such reasons are not otherwise apparent, then the legal presumption is that joint parental custody will not conflict with the wellbeing of the child.

WHERE? WHERE TO GO FOR HELP?

Youth welfare office (*Jugendamt*)

Family court

TIP The youth welfare office (*Jugendamt*) offers advice in order to find mutually acceptable solutions in the event of a dispute.

The Federal Office for Migration and Refugees provides information about pregnancy, parenthood and family issues online: www.bamf.de/EN. It also offers a search engine for counseling services nearby. The website is available in several languages.